

SECOND REGULAR SESSION

SENATE BILL NO. 966

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS DEMPSEY AND KOSTER.

Read 1st time January 16, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4252S.02I

AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to compensation for public safety workers killed in the line of duty.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 287, RSMo, is amended by adding thereto one new
2 section, to be known as section 287.243, to read as follows:

287.243. 1. This section shall be known and may be cited as the
2 "Line of Duty Compensation Act".

3 2. As used in this section, unless otherwise provided, the
4 following words shall mean:

5 (1) "Aviation medical crew member", a person serving as a flight
6 paramedic, a flight nurse, or as a pilot in command;

7 (2) "Department of corrections employee" or "juvenile justice
8 employee", supervisors, wardens, superintendents and their assistants,
9 guards and keepers, correctional officers, youth supervisors, parole
10 agents, school teachers, correctional counselors, or any employee
11 having daily contact with inmates in any facility of either the
12 department of corrections or within the juvenile justice system;

13 (3) "Emergency medical technician", a person licensed in
14 emergency medical care in accordance with standards prescribed by
15 sections 190.001 to 190.245, RSMo, and by rules adopted by the
16 department of health and senior services under sections 190.001 to
17 190.245, RSMo;

18 (4) "Firefighter", any person, including a volunteer firefighter,
19 employed by the state or a local governmental entity as, or otherwise
20 serving as, a member or officer of a fire department either for the
21 purpose of the prevention or control of fire or the underwater recovery

22 of drowning victims;

23 (5) "Killed in the line of duty", when any individual defined in
24 this section loses one's life as a result of injury received in the active
25 performance of duties in his or her respective profession, if the death
26 occurs within three hundred weeks from the date the injury was
27 received and if that injury arose from violence of another or accidental
28 cause subject to the provisions of paragraph (a) and (b) of this
29 subdivision. The term excludes death resulting from the willful
30 misconduct or intoxication of the officer, emergency medical
31 technician, paramedic, firefighter, aviation medical crew member,
32 juvenile justice employee, or department of corrections employee. The
33 division of workers' compensation shall have the burden of proving
34 such willful misconduct or intoxication;

35 (a) For juvenile justice employees and department of corrections
36 employees, the death shall be caused by the direct or indirect willful
37 act of an inmate, work releasee, parolee, parole violator, person under
38 conditional release, or any person sentenced or committed, or
39 otherwise subject to confinement by the department of corrections or
40 juvenile justice employees while the individual is within the facilities
41 under the control of the department of corrections or the juvenile
42 justice system, the individual is in the act of transporting inmates from
43 one location to another, or the individual is performing any other
44 official duty;

45 (b) For firefighters, law enforcement officers, emergency medical
46 technicians, aviation medical crew members, and paramedics, the death
47 shall be caused as a result of an accident or a willful act of violence
48 committed by a person other than the officer, firefighter, emergency
49 medical technician, aviation medical crew member, or paramedic, and
50 a relationship exists between the commission of such act and the
51 individual's performance of his or her duties as a law enforcement
52 officer, firefighter, emergency medical technician, aviation medical
53 crew member, or paramedic, regardless of whether the injury is
54 received while the individual is on duty; the injury is received by a law
55 enforcement officer while he or she is attempting to prevent the
56 commission of a criminal act of another person or attempting to
57 apprehend an individual suspected of committing a crime, regardless
58 of whether the injury is received while the individual is on duty as a

59 law enforcement officer; or the injury is received by the individual
60 while traveling to or from his or her employment or during any meal
61 break, or other break, which takes place during the period in which the
62 law enforcement officer, firefighter, emergency medical technician,
63 aviation medical crew member, or paramedic is on duty;

64 (6) "Law enforcement officer" or "officer", any person employed
65 by the state or a local governmental entity as a policeman, peace
66 officer, auxiliary policeman, or in some like position involving the
67 enforcement of the law and protection of the public interest at the risk
68 of that person's life;

69 (7) "Local governmental entity", includes counties, municipalities,
70 fire protection districts, and municipal corporations;

71 (8) "Paramedic", an emergency medical technician paramedic
72 certified by the department of health and senior services;

73 (9) "State", the state of Missouri and its departments, divisions,
74 boards, bureaus, commissions, authorities, and colleges and
75 universities;

76 (10) "Volunteer firefighter", a person having principal
77 employment other than as a firefighter, but who is carried on the rolls
78 of a regularly constituted fire department either for the purpose of the
79 prevention or control of fire or the underwater recovery of drowning
80 victims, the members of which are under the jurisdiction of the
81 corporate authorities of a city, village, incorporated town, or fire
82 protection district. Volunteer firefighter shall not mean an individual
83 who volunteers assistance without being regularly enrolled as a
84 firefighter.

85 3. (1) A claim for compensation under this section shall be filed
86 with the division of workers' compensation not later than one year
87 from the date of death of a law enforcement officer, emergency medical
88 technician, paramedic, aviation medical crew member, firefighter,
89 juvenile justice employee, or department of corrections employee killed
90 in the line of duty. A claim may be filed by the estate of the deceased
91 or by a person who, at the time of injury, is a dependent or spouse of
92 the deceased, or if such person is an incapacitated or disabled person,
93 or a minor, by the person's parent, conservator, or guardian on behalf
94 of the eligible claimant. If a claim is made within one year of the date
95 of death of a law enforcement officer, emergency medical technician,

96 paramedic, aviation medical crew member, firefighter, juvenile justice
97 employee, or department of corrections employee killed in the line of
98 duty, compensation shall be paid if the claim is found to be
99 compensable under this section to the claimant.

100 (2) The amount of compensation paid to the claimant shall be one
101 hundred thousand dollars, subject to appropriations, for death
102 occurring on or after January 1, 2010.

103 4. A burial benefit of up to ten thousand dollars, subject to
104 appropriations, shall be payable to the surviving spouse, dependent, or
105 estate of a law enforcement officer, firefighter, emergency medical
106 technician, paramedic, aviation medical crew member, juvenile justice
107 employee, or department of corrections employee, who is killed in the
108 line of duty on or after the effective date of this section.

109 5. Notwithstanding subsection 3 of this section, no compensation
110 is payable under this section unless a claim is filed within the time
111 specified under this section setting forth:

112 (1) The name, address, and title or designation of the position in
113 which the officer, emergency medical technician, paramedic, aviation
114 medical crew member, firefighter, juvenile justice employee, or
115 department of corrections employee was serving at the time of his or
116 her death;

117 (2) The name and address of the claimant;

118 (3) A full, factual account of the circumstances resulting in or the
119 course of events causing the death at issue; and

120 (4) Such other information that is reasonably required by the
121 division.

122 When a claim is filed, the division of workers' compensation shall make
123 an investigation for substantiation of matters set forth in the
124 application.

125 6. The compensation provided for under this section is in
126 addition to, and not exclusive of, any pension rights, death benefits, or
127 other compensation the claimant may otherwise be entitled to by law.

128 7. Neither employers nor workers' compensation insurers shall
129 have subrogation rights against any compensation awarded for claims
130 under this section.

131 8. Any person seeking compensation under the provisions of this
132 section, who is aggrieved by the decision of the division of workers'

133 compensation regarding his or her compensation claim, may make
134 application for a hearing as provided in section 287.450. The
135 procedures applicable to the processing of such hearings and
136 determinations shall be those established by this chapter. Decisions of
137 the administrative law judge under this section shall be binding,
138 subject to review by either party under the provisions of section
139 287.480.

140 9. Under section 23.253, RSMo, of the Missouri Sunset Act:

141 (1) The provisions of the new program authorized under this
142 section shall automatically sunset six years after the effective date of
143 this section unless reauthorized by an act of the general assembly; and

144 (2) If such program is reauthorized, the program authorized
145 under this section shall automatically sunset twelve years after the
146 effective date of the reauthorization of this section; and

147 (3) This section shall terminate on September first of the
148 calendar year immediately following the calendar year in which the
149 program authorized under this section is sunset.

Bill ✓

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